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*Attorneys for Defendants*

RAYMOND J. SCHMERIN and LORD'S CARTING, LLC

Our File No.: 24721

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ALEJANDRO ARENDS,

Plaintiff(s),

v.

RAYMOND J. SCHMERIN and LORD'S  
CARTING, L.L.C.,

Defendants.

DOCUMENT FILED ELECTRONICALLY

Civil Action No.: 2:22-cv-01618

**NOTICE OF REMOVAL**

TO: THE HONORABLE JUDGES OF THE  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

Sander Budanitsky, Esq.

LAW OFFICES OF SANDER BUDANITSKY, LLC

520 West First Avenue

Roselle, New Jersey 07203

(908) 241-3445

*Attorneys for Plaintiff*

ALEJANDRO ARENDS

Defendants, ANTHONY REYES and ALTO'S EXPRESS, INC., by and through their attorneys, Kerley, Walsh, Matera & Cinquemani, P.C., hereby file this Notice of Removal of the above-described action to the United States District Court, District of New Jersey from the

Superior Court of the State of New Jersey, County of Essex, where the action is now pending, as provided by Title 28, U.S. Code, Chapter 89, and state:

1. Plaintiff, Alejandro Arends, commenced this action by filing a Complaint in the Superior Court of the State of New Jersey, County of Essex, Law Division, styled Alejandro Arends v. Raymond J. Schmerin, et al., and bearing Docket No.: ESX-L-007991-21, on October 25, 2021, which is presently pending. A true and accurate copy of said Complaint is annexed hereto as **Exhibit “A”**.

2. The Complaint does not allege specific injuries, nor a specific amount in controversy, nor that the claimed injuries exceed the federal jurisdictional limits.

3. On October 26, 2021, the Track Assignment Notice was issued by the Essex County Civil Division. Annexed hereto as **Exhibit “B”** is a true and accurate copy of said Notice.

4. On February 28, 2022, having not being able to have served the defendants with the Complaint, plaintiff filed a Notice of Motion for Substituted Service. Annexed hereto as Exhibit “C” is a true and accurate copy of said motion.

5. On March 8, 2022, defendants, Raymond J. Schmerin and Lord’s Caring, LLC filed an Answer to plaintiff’s Complaint, along with a Demand for a Statement of Damages. Annexed hereto as **Exhibit “D”** is a true and accurate copy of said Answer.

6. On or about March 14, 2022, plaintiff served a response to defendants’ demand for Statement of Damages. In his response, it is noted that plaintiff claimed damages in the amount of \$250,000.00. Annexed hereto as **Exhibit “E”** is a true and accurate copy of plaintiff’s Statement of Damages.

7. Prior to plaintiff’s Statement of Damages, dated March 14, 2022, the amount in controversy was unknown to the defendants.

8. On March 21, 2022, an Order was issued by the Honorable Annette Scoca, J.S.C. of the Superior Court, Essex County, permitting substituted service of the Complaint. Annexed hereto as **Exhibit “F”** is a true and accurate copy of said Order.

9. As the amount of damages alleged by plaintiff, which exceed \$75,000.00, became known on or about March 14, 2022, the instant Notice of Removal is timely.

10. The action is a civil action for personal injuries as a result of an allege motor vehicle accident and the United States District Court for the District of New Jersey maintains jurisdiction over this action pursuant to 28 U.S.C § 1332(a), and this action may be removed by the defendants pursuant to the provisions of 28 U.S.C § 1441(a) as it is a civil action wherein: (1) complete diversity of citizenship exists among the parties; and (2) the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

11. Upon information and belief, plaintiff is now and at the time the State action was commenced a citizen of the State of New Jersey. *See Exhibit “A.”*

12. Defendant, Raymond Schmerin is now, and at the time the State action was commenced a citizen of the State of Pennsylvania.

13. Defendant, Lord’s Carting, LLC maintains its principal place of business in the State of Pennsylvania. It does not own any property or maintain any offices in the State of New Jersey. Defendant Raymond Schmerin is the sole member of defendant Lord’s Carting, LLC. As such, upon information and belief, Lord’s Carting, LLC is a citizen of the State of Pennsylvania.

14. This Notice of Removal is timely filed with this Court within thirty (30) days of plaintiff’s notice to defendants that the damages in question exceed seventy-five thousand dollars. 28 U.S.C. § 1446(b)(1). *See also, Romulus v. CVS Pharm., Inc.*, 770 F.3d 67, 72, 2014 U.S. App. LEXIS 20548, 23 Wage & Hour Cas. 2d (BNA) 1190 (1st Cir. Mass. 2014) (Section 1446(b)’s

thirty-day clocks are triggered when the plaintiff's complaint or subsequent paper provides defendant with sufficient information to easily determine that a matter is removable. The defendant has no duty to investigate or to supply facts outside of those provided by the plaintiff).

15. In the face of an indeterminate pleading, the thirty-day removal clock does not begin to run until litigation documents, subsequent to the initial pleading, reveal facts supporting removal. North v. Portfolio Recovery Assocs., LLC, No. 2:20-cv-20190 (BRM) (JSA), 2021 U.S. Dist. LEXIS 164057, at \*10 (D.N.J. Aug. 30, 2021).

16. The grounds for removal are diversity of citizenship of the parties and an amount in controversy exceeding the sum specified in 28 U.S.C. § 1332.

17. None of the impediments to removal under 28 U.S.C. § 1445 are present in this action. This Notice of Removal is filed with the Court within thirty (30) days after defendants ascertained the above matter's amount in controversy allowed for its removal pursuant to 28 U.S.C. § 1332. As such, defendants request that this matter be removed to the United States District Court for the District of New Jersey.

18. A copy of all pleadings and orders served upon defendants are filed with this Notice.

19. Defendants will give prompt written notice of the filing of this Notice and file a copy of this Notice with the Clerk of the Superior Court of New Jersey, Essex County, as required by 28 U.S.C § 1446(d).

**WHEREFORE**, defendants respectfully remove the above-captioned civil action, which is currently pending in the Superior Court of New Jersey, Essex County, to the United States District Court for the District of New Jersey, and request that all further proceedings be conducted in the Court as provided by law.

Dated: March 22, 2022

KERLEY, WALSH, MATERA  
& CINQUEMANI, P.C.

By:



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RAYMOND J. SCHMERIN and  
LORD'S CARTING, LLC  
File No.: 24721

TO: Sander Budanitsky, Esq.  
LAW OFFICES OF SANDER BUDANITSKY, LLC  
520 West First Avenue  
Roselle, New Jersey 07203  
(908) 241-3445  
*Attorneys for Plaintiff*  
ALEJANDRO ARENDS

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal was mailed by first class mail, postage prepaid on this March 22, 2022, upon:

Sander Budanitsky, Esq.  
LAW OFFICES OF SANDER BUDANITSKY, LLC  
520 West First Avenue  
Roselle, New Jersey 07203  
(908) 241-3445  
*Attorneys for Plaintiff*  
ALEJANDRO ARENDS

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

KERLEY, WALSH, MATERA  
& CINQUEMANI, P.C.

By:

  
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JOHAN A. OBREGON